



## Senate

General Assembly

**File No. 708**

January Session, 2015

Substitute Senate Bill No. 974

*Senate, April 16, 2015*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS  
COMMITTEE CONCERNING THE USE OF DRONES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (5) of section 15-34 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2015*):

4 (5) "Aircraft" means any contrivance used or designed for  
5 navigation of or flight in air, including (A) airplanes, meaning power-  
6 driven fixed-wing aircraft, heavier than air, supported by the dynamic  
7 reaction of the air against their wings, (B) gliders, meaning heavier  
8 than air aircraft, the free flight of which does not depend principally  
9 upon a power-generating unit, and (C) rotorcraft, meaning power-  
10 driven aircraft, heavier than air, supported during flight by one or  
11 more rotors. "Aircraft" does not include unmanned aerial vehicles.

12 Sec. 2. Section 15-34 of the general statutes is amended by adding

13 subdivision (29) as follows (*Effective October 1, 2015*):

14 (NEW) (29) "Unmanned aerial vehicle" means any contrivance used  
15 or designed for navigation of or flight in air that is power-driven and  
16 operated without the possibility of direct human intervention from  
17 within or on the contrivance.

18 Sec. 3. Subsection (a) of section 53a-189a of the general statutes is  
19 repealed and the following is substituted in lieu thereof (*Effective*  
20 *October 1, 2015*):

21 (a) A person is guilty of voyeurism when, (1) with malice, such  
22 person knowingly photographs, films, videotapes or otherwise records  
23 the image of another person (A) without the knowledge and consent of  
24 such other person, (B) while such other person is not in plain view, and  
25 (C) under circumstances where such other person has a reasonable  
26 expectation of privacy, or (2) with intent to arouse or satisfy the sexual  
27 desire of such person or any other person, such person knowingly  
28 photographs, films, videotapes or otherwise records the image of  
29 another person (A) without the knowledge and consent of such other  
30 person, (B) while such other person is not in plain view, and (C) under  
31 circumstances where such other person has a reasonable expectation of  
32 privacy. For purposes of this subsection, "not in plain view" includes a  
33 view not otherwise obtainable that is made possible through the use of  
34 technology that is electronic, as defined in section 1-331, or of an  
35 unmanned aerial vehicle, as defined in subdivision (29) of section 15-  
36 34, as amended by this act.

37 Sec. 4. (NEW) (*Effective October 1, 2015*) (a) Except as otherwise  
38 provided by law, no person shall operate or use any computer  
39 software or other technology, including, but not limited to, an  
40 unmanned aerial vehicle, as defined in subdivision (29) of section 15-34  
41 of the general statutes, as amended by this act, that allows a person,  
42 when not physically present, to release tear gas or any like or similar  
43 deleterious agent or to remotely control a deadly weapon, as defined  
44 in section 53a-3 of the general statutes, or an explosive or incendiary  
45 device, as defined in section 53-206b of the general statutes.

46 (b) Any person who violates subsection (a) of this section shall be  
47 guilty of a class C felony.

48 Sec. 5. Subdivision (8) of subsection (a) of section 54-280 of the  
49 general statutes is repealed and the following is substituted in lieu  
50 thereof (*Effective October 1, 2015*):

51 (8) "Offense committed with a deadly weapon" or "offense" means:  
52 (A) A violation of subsection (c) of section 2-1e, subsection (e) of  
53 section 29-28, subsections (a) to (e), inclusive, or (i) of section 29-33,  
54 section 29-34, subsection (a) of section 29-35, section 29-36, 29-36k, 29-  
55 37a or 29-37e, subsection (c) of section 29-37g, section 29-37j, subsection  
56 (b), (c) or (g) of section 53-202, section 53-202b, 53-202c, 53-202j, 53-  
57 202k, 53-202l, 53-202aa or 53-206b, subsection (b) of section 53a-8,  
58 section 53a-55a, 53a-56a, 53a-60a, 53a-60c, 53a-72b, 53a-92a, 53a-94a,  
59 53a-102a, 53a-103a, 53a-211, 53a-212, 53a-216, 53a-217, 53a-217a, 53a-  
60 217b or 53a-217c or section 4 of this act, or a second or subsequent  
61 violation of section 53-202g; or (B) a violation of any section of the  
62 general statutes which constitutes a felony, as defined in section 53a-  
63 25, provided the court makes a finding that, at the time of the offense,  
64 the offender used a deadly weapon, or was armed with and threatened  
65 the use of or displayed or represented by words or conduct that the  
66 offender possessed a deadly weapon;

67 Sec. 6. (NEW) (*Effective October 1, 2015*) The presence of tear gas or  
68 any like or similar deleterious agent, a deadly weapon, as defined in  
69 section 53a-3 of the general statutes, or an explosive or incendiary  
70 device, as defined in section 53-206b of the general statutes, on or in an  
71 unmanned aerial vehicle, as defined in subdivision (29) of section 15-34  
72 of the general statutes, as amended by this act, may be presumptive  
73 evidence of the possession or use of the agent, weapon or device by  
74 each person operating or using such unmanned aerial vehicle.

75 Sec. 7. (NEW) (*Effective October 1, 2015*) The presence of a controlled  
76 substance, as defined in section 21a-240 of the general statutes, on or in  
77 an unmanned aerial vehicle, as defined in subdivision (29) of section  
78 15-34 of the general statutes, as amended by this act, may be

79 presumptive evidence of the possession or use of the substance by each  
80 person operating or using such unmanned aerial vehicle.

81 Sec. 8. (NEW) (*Effective October 1, 2015*) (a) For the purposes of this  
82 section:

83 (1) "Unmanned aerial vehicle" has the same meaning as provided in  
84 subdivision (29) of section 15-34 of the general statutes, as amended by  
85 this act;

86 (2) "Law enforcement agency" means the Division of State Police  
87 within the Department of Emergency Services and Public Protection or  
88 any municipal police department; and

89 (3) "Law enforcement officer" means any officer, employee or other  
90 person otherwise paid by or acting as an agent of a law enforcement  
91 agency.

92 (b) (1) Each law enforcement officer who operates an unmanned  
93 aerial vehicle shall operate such unmanned aerial vehicle in  
94 accordance with this section and regulations and policies established  
95 by the Federal Aviation Administration, and pursuant to a policy  
96 adopted by a law enforcement agency as required by subdivision (2) of  
97 subsection (h) of this section.

98 (2) A law enforcement officer shall not operate an unmanned aerial  
99 vehicle that is equipped with tear gas or any like or similar deleterious  
100 agent or a deadly weapon, as defined in section 53a-3 of the general  
101 statutes, including, but not limited to, any explosive or incendiary  
102 device, as defined in section 53-206b of the general statutes, or any  
103 firearm, as defined in section 53a-3 of the general statutes.

104 (c) A law enforcement officer may operate an unmanned aerial  
105 vehicle provided:

106 (1) A judge of the Superior Court or judge trial referee has issued a  
107 warrant in accordance with section 54-33a of the general statutes  
108 authorizing the use of an unmanned aerial vehicle;

109       (2) The individual who will be the subject of the information  
110 collected by the operation of an unmanned aerial vehicle has given  
111 advance written consent to such operation;

112       (3) The owner of the property that will be the subject of the  
113 information collected by the operation of an unmanned aerial vehicle  
114 has given advance written consent to such operation;

115       (4) The law enforcement officer has probable cause to believe that a  
116 criminal offense has been, is being or will be committed and exigent  
117 circumstances exist that make it unreasonable for the law enforcement  
118 officer to obtain a warrant authorizing the use of an unmanned aerial  
119 vehicle;

120       (5) The law enforcement officer reasonably believes that there is an  
121 imminent threat to the life or safety of an individual;

122       (6) Such operation is pursuant to search and rescue activities  
123 conducted by the law enforcement agency;

124       (7) Such operation is pursuant to training activities conducted by  
125 the law enforcement agency; or

126       (8) Such operation is used to reconstruct or document a specific  
127 crime scene.

128       (d) An individual or privately owned property shall be considered  
129 to be the subject of information collected by the operation of an  
130 unmanned aerial vehicle if the information allows the identity of the  
131 person or the privately owned property to be ascertained or if the law  
132 enforcement officer operating the unmanned aerial vehicle  
133 acknowledges such individual or such property was the subject of the  
134 information.

135       (e) Information that was collected through the operation of an  
136 unmanned aerial vehicle that concerns an individual or privately  
137 owned property that was the subject of a warrant may be retained  
138 pursuant to the warrant.

139 (f) Information that was collected through the operation of an  
140 unmanned aerial vehicle that concerns an individual or privately  
141 owned property pursuant to subdivision (2) or (3) of subsection (c) of  
142 this section may be retained pursuant to the terms specified in such  
143 advance written consent.

144 (g) (1) Information that was collected through the operation of an  
145 unmanned aerial vehicle that concerns an individual or privately  
146 owned property pursuant to subdivisions (4) to (8), inclusive, of  
147 subsection (c) of this section shall be reviewed by the law enforcement  
148 agency that collected the information within ninety days from the date  
149 of collection. The collected information shall be destroyed or modified  
150 pursuant to subdivision (2) of this subsection or retained pursuant to  
151 subdivision (3) of this subsection.

152 (2) If such information allows the identity of an individual or  
153 privately owned property to be ascertained and there is no probable  
154 cause to believe that an offense was committed by the individual or on  
155 the property, such law enforcement agency (A) shall destroy such  
156 information within forty-eight hours after such review, or (B) shall  
157 permanently modify such information so that the identity of such  
158 individual or such property cannot be ascertained, and, after such  
159 modification, may retain the modified information for a period of not  
160 more than five years from the date of collection and, after such  
161 retention, shall destroy the modified information.

162 (3) If such information allows the identity of an individual or  
163 privately owned property to be ascertained and there is probable cause  
164 to believe that an offense was committed by the individual or on the  
165 property, such law enforcement agency may retain such information  
166 for a period of not more than five years from the date of collection and,  
167 after such retention, shall destroy such information, except that, if a  
168 warrant is issued in accordance with section 54-33a of the general  
169 statutes based in part on such information, such information may be  
170 retained pursuant to the warrant.

171 (h) (1) Not later than January 1, 2016, the Department of Emergency

172 Services and Public Protection shall develop and promulgate a model  
173 policy that provides guidelines on the destruction, modification and  
174 retention of information collected by the operation of an unmanned  
175 aerial vehicle by a law enforcement agency.

176 (2) Each law enforcement agency that owns or authorizes a law  
177 enforcement officer to operate an unmanned aerial vehicle shall adopt  
178 and maintain a written policy that meets or exceeds the model policy  
179 developed by the Department of Emergency Services and Public  
180 Protection pursuant to subdivision (1) of this subsection regarding the  
181 destruction, modification and retention of information collected by the  
182 operation of an unmanned aerial vehicle either before taking  
183 ownership of an unmanned aerial vehicle or not later than thirty days  
184 after a law enforcement officer operates an unmanned aerial vehicle.

185 (i) Each law enforcement agency that owns an unmanned aerial  
186 vehicle shall register the unmanned aerial vehicle with the Office of  
187 Policy and Management not later than thirty days after taking  
188 ownership of the unmanned aerial vehicle. The registration shall be on  
189 a form prescribed by the Office of Policy and Management and shall  
190 include the name of the law enforcement agency, the name, job title  
191 and contact information of each law enforcement officer who is  
192 authorized to operate the unmanned aerial vehicle, and a description  
193 of the unmanned aerial vehicle, including, but not limited to, the name  
194 of the manufacturer, the model number and the serial number. The  
195 law enforcement agency shall post such registration on its Internet web  
196 site.

197 (j) Not later than January fifteenth of each year, each law  
198 enforcement agency that operated an unmanned aerial vehicle in the  
199 preceding calendar year shall report to the Chief State's Attorney: (1)  
200 The number of times the law enforcement agency operated an  
201 unmanned aerial vehicle in the preceding calendar year; (2) a list of all  
202 occasions when an unmanned aerial vehicle was operated with the  
203 following details for each operation: (A) The date, time and duration of  
204 operation, (B) the location of such operation, (C) the reason for such

205 operation, (D) whether the unmanned aerial vehicle was operated  
206 pursuant to a warrant, and (E) the number of times the type of  
207 information collected through the operation of an unmanned aerial  
208 vehicle provided reasonable and articulable suspicion that a criminal  
209 offense was being committed; and (3) the law enforcement agency's  
210 compliance with the policy adopted pursuant to subdivision (2) of  
211 subsection (h) of this section, including the number of times the law  
212 enforcement agency reviewed and destroyed information collected by  
213 the operation of an unmanned aerial vehicle and the number of times  
214 the law enforcement agency destroyed information collected by the  
215 operation of an unmanned aerial vehicle without reviewing such  
216 information.

217 (k) Not later than April fifteenth of each year, the Chief State's  
218 Attorney, based on the reports filed by law enforcement agencies  
219 pursuant to subsection (j) of this section, shall post on its Internet web  
220 site a report concerning the operation of unmanned aerial vehicles by  
221 law enforcement agencies during the preceding calendar year. The  
222 report shall include a summary and an analysis of the information  
223 received from the law enforcement agencies. The report shall also  
224 identify any law enforcement agency that registered an unmanned  
225 aerial vehicle pursuant to subsection (i) of this section or submitted a  
226 report in a previous reporting period pursuant to subsection (j) of this  
227 section, but did not submit a report for the current reporting period.

228 Sec. 9. (NEW) (*Effective October 1, 2015*) (a) For the purposes of this  
229 section:

230 (1) "Unmanned aerial vehicle" has the same meaning as provided in  
231 subdivision (29) of section 15-34 of the general statutes, as amended by  
232 this act;

233 (2) "State agency" has the same meaning as provided in section 1-79  
234 of the general statutes, except that "state agency" does not include a  
235 law enforcement agency, as defined in section 8 of this act; and

236 (3) "State employee" means any officer, employee or other person



237 otherwise paid by or acting as an agent of a state agency.

238 (b) Any state agency may authorize a state employee to operate an  
239 unmanned aerial vehicle, provided the operation is within the scope of  
240 the state employee's employment, and in accordance with this section  
241 and regulations and policies established by the Federal Aviation  
242 Administration.

243 (c) Each state agency that owns an unmanned aerial vehicle shall  
244 register the unmanned aerial vehicle with the Office of Policy and  
245 Management not later than thirty days after taking ownership of the  
246 unmanned aerial vehicle. The registration shall be on a form  
247 prescribed by the Office of Policy and Management and shall include  
248 the name of the state agency, the name, job title and contact  
249 information of each state employee who is authorized to operate the  
250 unmanned aerial vehicle, and a description of the unmanned aerial  
251 vehicle, including, but not limited to, the name of the manufacturer,  
252 the model number and the serial number. The state agency shall post  
253 such registration on its Internet web site.

254 (d) Not later than January fifteenth of each year, each state agency  
255 that permitted a state employee to operate an unmanned aerial vehicle  
256 in the preceding calendar year shall submit a report to the Office of  
257 Policy and Management. The report shall include a list of all occasions  
258 when an unmanned aerial vehicle was operated with the following  
259 details for each operation: (1) The date, time and duration of operation,  
260 (2) the location of such operation, and (3) the reason for such  
261 operation.

262 (e) Not later than April fifteenth of each year, the Office of Policy  
263 and Management, based on the reports filed by state agencies pursuant  
264 to subsection (d) of this section, shall post on its Internet web site a  
265 report concerning the operation of unmanned aerial vehicles by state  
266 agencies during the preceding calendar year. The report shall include a  
267 summary and an analysis of the information received from the state  
268 agencies. The report shall also identify any state agency that registered  
269 an unmanned aerial vehicle pursuant to subsection (c) of this section or

270 submitted a report in a previous reporting period pursuant to  
271 subsection (d) of this section, but did not submit a report for the  
272 current reporting period.

273 Sec. 10. Subsection (c) of section 12-455a of the general statutes is  
274 repealed and the following is substituted in lieu thereof (*Effective*  
275 *October 1, 2015*):

276 (c) "Motor vehicle" means any vehicle propelled or drawn by any  
277 power other than muscular, except aircraft, unmanned aerial vehicles,  
278 as defined in subdivision (29) of section 15-34, as amended by this act,  
279 motorboats, road rollers, baggage trucks used about railroad stations,  
280 electric battery-operated [wheel chairs] wheelchairs when operated by  
281 physically handicapped persons at speeds not exceeding fifteen miles  
282 per hour, agricultural tractors, farm implements and such vehicles as  
283 run only upon rails or tracks;

284 Sec. 11. Subdivision (53) of section 14-1 of the general statutes is  
285 repealed and the following is substituted in lieu thereof (*Effective*  
286 *October 1, 2015*):

287 (53) "Motor vehicle" means any vehicle propelled or drawn by any  
288 nonmuscular power, except aircraft, unmanned aerial vehicles, as  
289 defined in subdivision (29) of section 15-34, as amended by this act,  
290 motor boats, road rollers, baggage trucks used about railroad stations  
291 or other mass transit facilities, electric battery-operated [wheel chairs]  
292 wheelchairs when operated by physically handicapped persons at  
293 speeds not exceeding fifteen miles per hour, golf carts operated on  
294 highways solely for the purpose of crossing from one part of the golf  
295 course to another, golf-cart-type vehicles operated on roads or  
296 highways on the grounds of state institutions by state employees,  
297 agricultural tractors, farm implements, such vehicles as run only on  
298 rails or tracks, self-propelled snow plows, snow blowers and lawn  
299 mowers, when used for the purposes for which they were designed  
300 and operated at speeds not exceeding four miles per hour, whether or  
301 not the operator rides on or walks behind such equipment, motor-  
302 driven cycles as defined in section 14-286, special mobile equipment as

303 defined in section 14-165, mini-motorcycles, as defined in section 14-  
 304 289j, and any other vehicle not suitable for operation on a highway;

305 Sec. 12. Subdivision (20) of section 22a-134 of the general statutes is  
 306 repealed and the following is substituted in lieu thereof (*Effective*  
 307 *October 1, 2015*):

308 (20) "Vehicle" means any motorized device for conveying persons or  
 309 objects except for an aircraft [,] or unmanned aerial vehicle, as defined  
 310 in subdivision (29) of section 15-34, as amended by this act, or a boat,  
 311 railroad car or engine, or farm tractor;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	15-34(5)
Sec. 2	<i>October 1, 2015</i>	15-34
Sec. 3	<i>October 1, 2015</i>	53a-189a(a)
Sec. 4	<i>October 1, 2015</i>	New section
Sec. 5	<i>October 1, 2015</i>	54-280(a)(8)
Sec. 6	<i>October 1, 2015</i>	New section
Sec. 7	<i>October 1, 2015</i>	New section
Sec. 8	<i>October 1, 2015</i>	New section
Sec. 9	<i>October 1, 2015</i>	New section
Sec. 10	<i>October 1, 2015</i>	12-455a(c)
Sec. 11	<i>October 1, 2015</i>	14-1(53)
Sec. 12	<i>October 1, 2015</i>	22a-134(20)

***Statement of Legislative Commissioners:***

The title was changed and in Section 8(b)(2) and (c)(4) and (5), "agency" was changed to "officer" for clarity.

***PRI***            *Joint Favorable Subst. C/R*

JUD

***JUD***            *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 16 \$</b>	<b>FY 17 \$</b>
Emergency Services and Public Protection, Dept.	GF - Cost	Less than \$20,000	None
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

### **Explanation**

The bill requires the Department of Emergency Services and Public Protection (DESPP) to develop a model policy for the destruction, modification, and retention of information obtained through operation of an unmanned aerial vehicle. DESPP is anticipated to incur costs of less than \$20,000 in FY 16 for the development of the policy which may include consultant or overtime costs during creation of the new policy. To the extent that law enforcement agencies elect to develop such policies, rather than utilizing the policy developed by DESPP, they may potentially incur policy development costs.

The bill creates a new class C felony and expands the crime of voyeurism and may result in fine revenue. To the extent that offenders are prosecuted for new or expanded offenses under this bill, potential costs for probation and supervision in the community or incarceration would result. On average, it costs the agency \$6,050 (including benefits) to supervise an inmate in the community as opposed to \$50,690 (including benefits) to incarcerate an offender.

### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sSB 974*****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS  
COMMITTEE CONCERNING THE USE OF DRONES.*****SUMMARY:**

This bill makes a number of changes regarding the use of unmanned aerial vehicles (often referred to as “drones”). It:

1. excludes them from the statutes governing aircraft, which includes, among other things, aircraft registration, tax treatment, accident investigation, and compliance with the Uniform Aircraft Responsibility Act. (§§ 1-2);
2. restricts when Department of Emergency Services and Public Protection (DESPP) and municipal police department officers, employees, agents, and anyone else paid by them may use a drone;
3. imposes retention and destruction requirements for information collected by law enforcement agencies using drones;
4. requires law enforcement agencies to register their drones with the Office of Policy and Management (OPM) and report on their use to the chief state’s attorney annually; and
5. allows state agency officers, employees, agents, and others they pay to use drones, requires agencies to register their drones with OPM, and requires the agencies to report on their use to OPM annually.

The bill specifies that, for purposes of voyeurism crimes, a victim is “not in plain view” when the view is not otherwise obtainable and it is

made possible by using a (1) drone or (2) technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities (§ 3).

The bill also creates a new crime, making it a class C felony, unless otherwise provided by law, to use a drone, computer software, or another technology that allows someone who is not physically present to (a) release tear gas or a similar agent or (b) remotely control a deadly weapon, explosive, or incendiary device. By law, a class C felony is punishable by up to 10 years in prison, a fine of up to \$10,000, or both. The bill requires people convicted of this crime to register with the deadly weapon offender registry (see BACKGROUND)(§§ 4-5).

The bill also creates two presumptions that may make it easier to convict someone of criminal activity involving use of a drone. It allows the presence of tear gas or a similar agent, a deadly weapon, explosive, or incendiary device on or in a drone to be presumptive evidence that it was possessed or used by each person using the drone. Similarly, the bill allows the presence of a controlled substance on or in a drone to be presumptive evidence that it was possessed or used by each person using the drone (§§ 6-7).

Finally, the bill makes technical changes.

EFFECTIVE DATE: October 1, 2015

## **§ 8 — LAW ENFORCEMENT USE OF DRONES**

### ***Authorized Uses***

The bill restricts when DESPP and municipal police department officers, employees, agents, and anyone else they pay may use a drone.

Under the bill, these law enforcement officials can use a drone only if:

1. a judge or judge trial referee (a judge past age 70 who continues to serve with limited powers) issues a warrant authorizing the

use;

2. the person who, or the owner of property that, will be the subject of the information collected by the drone has given prior written consent (the “subject” is a person or property that can be identified in information collected or that the official acknowledges as the subject);
3. the officer has probable cause to believe a crime has been, is being, or will be committed and exigent circumstances make it unreasonable to obtain a warrant (caselaw recognizes an exception to the usual requirement to obtain a warrant to conduct a search when exigent circumstances exist, such as an emergency with an imminent threat to someone’s life);
4. the official reasonably believes there is an imminent threat to someone’s life or safety; and
5. it is used for a search and rescue activity, training, or to reconstruct or document a crime scene.

### ***Operation of Drones by Law Enforcement Officials***

The bill requires any law enforcement official operating a drone to do so according to the bill, Federal Aviation Administration (FAA) regulations and policies, and law enforcement agency policies. It prohibits law enforcement officers from operating a drone equipped with tear gas or a similar agent, a deadly weapon, a firearm, an explosive, or an incendiary device.

### ***Information Retention and Destruction***

The bill allows an agency to retain information collected by a drone about a person or private property under the terms of a warrant or written consent that authorized the drone’s use. If a drone collected information for one of the other reasons authorized above, the official’s law enforcement agency must review the information within 90 days. If information identifies an individual or private property, the agency must determine whether there is probable cause that a crime was



committed by the person or on the property. If there is no probable cause, the agency must:

1. destroy the information within 48 hours after the review or
2. permanently modify it so that the person or property cannot be identified and destroy it within five years of the modification.

If there is probable cause, the agency must destroy it within five years of its collection or retain it pursuant to a warrant that was issued, at least in part, based on the information.

By January 1, 2016, the bill requires DESPP to develop a model policy with guidelines on destroying, modifying, and retaining information collected by law enforcement agencies using drones. Law enforcement agencies that own or authorize officials to use drones must adopt and maintain a written policy that meets or exceeds DESPP's policy, either before taking ownership of a drone or within 30 days of an official using one.

### ***Registration with OPM***

The bill requires law enforcement agencies that own drones to register them with OPM within 30 days of taking ownership on an OPM-prescribed form that includes :

1. the agency's name;
2. the name, title, and contact information of officials authorized to use the drone; and
3. a description of the drone that includes its manufacturer, model, and serial number.

The agency must post the registration on its website.

### ***Reports of Use***

The bill requires law enforcement agencies that use drones in a calendar year to report on their use to the chief state's attorney by the

following January 15. The report must include:

1. the number of times the agency used a drone;
2. all occasions when a drone was used, including the date, time, duration, location, and reason of each use; whether a warrant was issued for the use; and the number of times the information collected provided reasonable and articulable suspicion that a crime was being committed; and
3. the agency's compliance with its information retention policy, including the number of times it destroyed information with a review and without a review.

By April 15 each year, the chief state's attorney must use these reports to post on its website a report summarizing and analyzing law enforcement agencies' drone use during the prior calendar year. The summary report must identify each agency that registered a drone with OPM or previously submitted a report to the chief state's attorney but did not use a drone during the current reporting period.

## **§ 9 — USE BY OTHER STATE AGENCIES**

The bill allows state agencies to authorize their officers, employees, agents, and others they pay to use a drone within the scope of their employment according to FAA regulations and policies. This applies to any office, department, board, council, commission, institution, higher education constituent unit, technical high school, or other agency in any branch of government, except for DESPP.

The bill requires these agencies to register their drones with OPM and indicate their authorized users in the same manner as law enforcement agencies. They must also post the information on their agency websites.

The bill requires an agency that allowed a state employee to use a drone in a calendar year to report on its use to OPM by the following January 15. The report must include all occasions when a drone was

used, including the date, time, duration, location, and reason of each use.

By April 15 each year, OPM must use these reports to post on its website a report summarizing and analyzing state agencies' drone use during the prior calendar year. The summary report must identify each agency that registered a drone with OPM or previously submitted a report to OPM on its drone use but did not use a drone during the current reporting period.

## **BACKGROUND**

### ***Deadly Weapon***

By law, a "deadly weapon" is a weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles.

### ***Deadly Weapon Offender Registry***

By law, DESPP maintains a registry of people convicted, or found not guilty by reason of mental disease or defect, of an offense committed with a deadly weapon. A person must register if he or she committed any (1) violation of specified statutes or (2) felony and the court finds that, at the time of the offense, the offender used a deadly weapon or was armed with and threatened to use, displayed, or represented by words or conduct that he or she possessed, a deadly weapon. Offenders must register for five years. The registry information is not a public record and is disclosable only to certain law enforcement and other agencies.

### ***Voyeurism***

By law, a person commits the crime of voyeurism when (1) he or she knowingly photographs, films, videotapes, or records the victim's image; (2) he or she acts maliciously or intends to satisfy his or her or another's sexual desire; and (3) the victim is not in plain view, has a reasonable expectation of privacy under the circumstances, and does not know of, or consent to, the conduct.

## **COMMITTEE ACTION**

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## Program Review and Investigations Committee

Joint Favorable Substitute Change of Reference

Yea 8 Nay 1 (03/13/2015)

## Judiciary Committee

Joint Favorable

Yea 43 Nay 1 (04/06/2015)